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1 at the unit?

2 A. The thermostat in the hallway is across from  
3 this bedroom door (indicating).

4 Q. Okay. So just right kind of behind where you  
5 probably were standing. You turn around, turn off the  
6 unit?

7 A. Right.

8 Q. What did you do after that?

9 A. Freaked out a little bit, started -- I believe  
10 I got a trash can and a dust pan, and I started scooping  
11 up water to get it out as well as I could. And then I  
12 got towels, most of the towels in the house, and started  
13 sopping up the water. This is what I'm remembering.

14 Q. Sure.

15 A. And dried it out as well as I could.

16 Q. And throughout this time, your wife is not  
17 present; is that correct?

18 A. I don't remember her being there at all, no.

19 Q. Where were you scooping the water from?

20 A. There's a -- the frame for the air conditioner  
21 filter, there's a 12-inch-tall one on the south side,  
22 and there's a 20-inch-tall one on the north side, and I  
23 was --

24 Q. Of the HVAC closet?

25 A. Yes. And I was working through those holes,

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1 Q. That makes sense.

2 You said also that the best way to dry out  
3 the home, from your understanding, is to turn the AC on.

4 Where is it that you came to learn that  
5 knowledge?

6 A. Well, my friend, the contractor, he was a  
7 contractor that installed the first unit in '96. He had  
8 explained to me that you -- you have to have proper  
9 sizing. If your air conditioner's too big, it will cool  
10 down the house too fast and it won't remove the humidity  
11 from the house, so your house will be swampy air  
12 feeling, but it'll be cold. And if it's too small, then  
13 it won't change the temperature low enough, fast enough.  
14 It will remove the humidity, but it won't -- so he made  
15 me very aware of what -- and I had had heard things in  
16 the past, and I try to pay attention to -- to things  
17 about such things as home, everything to do with a home  
18 or vehicles. I understand condensate lights coming --  
19 the piping coming out of cars.

20 Q. Right.

21 A. I have -- had taken air conditioning classes  
22 and -- well, very small ones. So I learned -- I learned  
23 things about that and understood that as the hot air or  
24 warm air goes through the air conditioner -- it's called  
25 a condenser -- it recondenses the Freon inside, it -- it

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1 74 when we're not there, and as we're getting ready to  
2 come home, we switch back to the lower temperature of 70  
3 or 71. We do that automatically.

4 Q. And then it stays at that lower temperature  
5 throughout the night? There's no other fluctuations?

6 A. It goes down around 10:00 o'clock.

7 Q. To what temperature?

8 A. Probably 68.

9 Q. Okay. So you have, more or less, three  
10 temperature settings?

11 A. (Witness nods head.)

12 Q. One for when you get home, one for when you go  
13 to bed, and one for when you leave for work?

14 A. Correct.

15 Q. So tell me what you did after you turned the  
16 HVAC unit back on on August 8, 2017.

17 A. I had a couple of fans, box fans, in my barn --

18 Q. Okay.

19 A. -- and I brought, I believe, one into the  
20 dining room that blew across the darkened wood and then  
21 one in the hallway that would blow across to the east  
22 and probably this way (indicating). I'm assuming  
23 that -- I know I had the two -- the two box fans,  
24 because there was darkened wood here, and I knew this  
25 was probably -- this was probably moist -- had moisture

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1 The flooring to the west of the wall in the closet.

2 A. In the bedroom, yes, right at the wall.

3 Q. Right at the wall. Okay.

4 A. I -- I believe there was.

5 Q. Okay. So you turned back on the HVAC unit and  
6 you watched it closely, you said, throughout the night.

7 What other steps did you take? Well, let me back up.

8 You talked about the fans, two fans. What  
9 did you do besides the two fans and, obviously, removing  
10 the water itself that you saw? What other steps did you  
11 take on that day?

12 A. I assumed it was in the subfloor as well, so I  
13 took off -- a friend of mine had an air mover, which is  
14 a -- a fan that sits low to the ground and it has a  
15 shoot coming off the side and will go through a small  
16 hole. And I put it over here (indicating), because this  
17 is really the -- the only place that it would work was  
18 over here in the master bedroom. It would blow air that  
19 way (indicating) just to help move air around. I -- I  
20 have the access here in the garage where I go under the  
21 house, so I opened it up. I think I had to put a fan  
22 there, too. Yeah, that's right.

23 Q. Is that a fourth fan?

24 A. No. Actually, I would have moved the one from  
25 the hallway probably into here (indicating) to --

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1 the HVAC unit or water that you could see in the cracks  
2 off of the flooring that surrounded the wall of the HVAC  
3 closet?

4 A. No.

5 Q. So really, according to you, it was a onetime  
6 event where you saw this water on the floor, correct?

7 A. Yes.

8 Q. How often do you change the filters on the HVAC  
9 unit?

10 A. Every three months.

11 Q. Okay. So do you remember prior to August 8,  
12 2017, when you had last replaced the air filters?

13 A. I don't recall.

14 Q. Okay. Do you remember the first time you  
15 replaced the air filters after August 8th, 2017?

16 A. Are you asking me if there was water on the  
17 floor? I mean, I know I changed the filters.

18 Q. Right.

19 A. But I did not notice water either time. I know  
20 I would have done it, and I look at the floor. I look  
21 at the condition of the floor. I want to make sure  
22 there's nothing weird going on, any mold or whatever,  
23 you know, not that I expect it to be, but I just want to  
24 make sure that area's clean because we're breathing  
25 that, and it's very -- should be the cleanest place in

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1 A. Yes.

2 Q. Okay. And after you had your phone call with  
3 Heather Davis, did you contact Ian and tell him about  
4 the subject of that phone call and what took place?

5 A. I -- yes.

6 Q. And what did Ian tell -- what did he say to you  
7 after you called him about that?

8 A. Well, started out with, "Wow," from the  
9 conversation that I mentioned to him. And I said -- I  
10 said, "I guess we need" -- because he had mentioned that  
11 he could represent us, but we weren't going to go that  
12 way because we assumed that they were going to be  
13 cordial and they would listen and -- but after that  
14 first phone call, I -- I realized this was not going to  
15 go our way. So I -- I knew he knew what he was doing.  
16 I knew he would be fair and he would be very thorough.  
17 So I said 10 percent would be a small price for . . .

18 Q. You said then that you knew after that first  
19 phone call it wasn't going to go your way; is that  
20 correct?

21 A. Fairly certain.

22 Q. Does that mean you knew right then that the  
23 loss -- that the claim for coverage would be denied?

24 A. I knew that she was probably going to be very  
25 hard to deal with. And in -- in the past, the people

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1 three?

2 Q. Okay. I mean, that's a semantic battle, I  
3 guess, and I totally appreciate your disagreement with  
4 that. That's your right to disagree.

5 I'd like to turn now to the petition that's  
6 been filed in this case. Have you seen this petition,  
7 Mr. Covington?

8 A. I believe I have.

9 Q. Okay. Before we actually get into it, I'd like  
10 to ask you -- we just looked at a letter dated July  
11 19th, 2018, from AAA -- and I've already lost it -- and  
12 it was from Danielle Perez.

13 And I think you had testified earlier that  
14 your understanding of Danielle Perez is that she's been  
15 nothing but kind and reasonable; is that correct? Maybe  
16 not reasonable, in your opinion, but she's at least been  
17 kind?

18 A. She was professional.

19 Q. Professional. Okay. And Danielle Perez sent  
20 the letter on July 19th, and I think she also sent the  
21 letter on July 10th, 2018. Okay. That's correct.

22 Did you ever speak directly with Danielle  
23 Perez yourself?

24 A. No.

25 Q. Okay. And so as far as you know, you spoke

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1 with Heather Davis once?

2 A. (Witness nods head.)

3 Q. Did you speak with any other AAA representative  
4 at any time after that related to this loss?

5 A. No.

6 Q. So all other conversations between AAA and  
7 anybody representing you would have been Ian; is that  
8 correct?

9 A. Correct.

10 Q. And after the letter dated July 19th, 2018, was  
11 sent, did Ian share this letter with you?

12 A. I'm pretty sure he did. I believe so.

13 Q. Do you remember talking about the expert report  
14 with Ian after this letter was sent?

15 A. Yes.

16 Q. Do you remember Ian saying anything about that  
17 expert report?

18 A. About our expert?

19 Q. Yes.

20 A. He did talk about it.

21 Q. And what was his reaction to this letter or his  
22 comments in regards to the engineering report?

23 A. They did not agree.

24 Q. What did not agree?

25 A. I --



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1 A. I did not. I was suggested not to, and I had  
2 no reason to talk to Alan at that point.

3 Q. So I understand that Ian has told you that Alan  
4 was unprofessional, but I'm trying to establish when AAA  
5 was unprofessional with you directly.

6 A. When Heather called me.

7 Q. And what was it on that phone call that was  
8 unprofessional, in your opinion?

9 A. The raised voice, repeating the same things  
10 over and over again, like was I not listening. I don't  
11 know. Like being scolded by a teacher or something,  
12 without an instruction why or what to do.

13 Q. Okay. And I do appreciate your testimony in  
14 that regard.

15 Besides the conversation with Heather, can  
16 you tell me about any other times in which AAA acted  
17 unprofessionally toward you or your wife?

18 A. No.

19 Q. I know I handed you the petition, but I'm going  
20 to backtrack on that a little bit. I'd actually like to  
21 talk first about answers to written discovery.

22 Do you happen to know what written  
23 discovery is in regards to a lawsuit? It's not a trick  
24 question.

25 A. You're asking for certain pieces of information

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1 inferring or suggesting, so I do disagree with it based  
2 on that.

3 Q. (BY MR. HEFNER) You're talking about the time  
4 frame of the leakage?

5 A. How long it took.

6 Q. You used the word "unprofessional" a few times.  
7 Paragraph 14 of Page 3 of the petition says: Defendants  
8 have wrongfully, unreasonably and intentionally failed  
9 to make payment to Plaintiffs.

10 Do you think AAA acted intentionally to  
11 deny your claim or do you think that they investigated  
12 it and then, based on that investigation, denied your  
13 claim?

14 A. Referring to Letter A and 14, Failure to  
15 properly investigate the loss and claim, yes, I don't  
16 feel that they properly investigated the claim. I don't  
17 think they did it necessarily in an untimely manner, but  
18 I don't feel it was thorough.

19 Q. Okay. They sent out a field adjuster to look  
20 at the house, right?

21 A. Yes.

22 Q. They also sent out Matthew Amick of Hi-Tech  
23 Plumbing, correct?

24 A. Yes.

25 Q. And they sent out Danny Griffin with Boardwalk